

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ARTHUR O. ARMSTRONG,)	
)	
Plaintiff,)	
)	
v.)	1:23-cv-642
)	
NORTH CAROLINA, and)	
ACE TOWING AND RECOVERY,)	
)	
Defendants.)	

ORDER

This matter is before the court for review of the Recommendation ("Recommendation") filed on September 21, 2023, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 2.) The Recommendation was served on the Plaintiff on September 21, 2023. (Doc. 3.) Plaintiff filed a pleading, "Motion for Leave to File Complaint, with Supporting Affidavit and Documentation, in Support and with Objection to Magistrate's Recommendation to Dismiss," which the court construes as an objection to the Recommendation. (Doc. 4.)

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations

made by the [M]agistrate [J]udge . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions."

This court has appropriately reviewed the Recommendation and Plaintiff's filing and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 2), is **ADOPTED. IT IS FURTHER ORDERED** that this action is **DISMISSED** without a certification that an appeal would have any merit.

IT IS FURTHER ORDERED that Plaintiff shall pay \$100 as a monetary sanction for this continuation of his long-standing pattern of frivolous litigation conduct, and further that Plaintiff is **ENJOINED** from filing any document with this Court in any case unless and until he first pays any outstanding monetary sanction(s) and that any documents submitted to the Court by Plaintiff prior to such payment shall be held for his retrieval or returned to him without docketing.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 27th day of October, 2023.


United States District Judge